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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,597	11/23/2005	Dario Terzi	2502-1068	3676
<div>466 7590 03/31/2009</div> <div>YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314</div>				
EXAMINER				
NGUYEN, CHI Q				
ART UNIT		PAPER NUMBER		
3635				
MAIL DATE		DELIVERY MODE		
03/31/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,597

Applicant(s)

TERZI, DARIO

Examiner

CHI Q. NGUYEN

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-46 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 27-46 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This Office action is in response to applicant's patent application filed on 11/23/2005.

Status of Claims

Newly filed new claims 27-46 are pending.

Claims 1-26 have been cancelled.

Information Disclosure Statement

The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

Claims 28-46 are objected to because of the following informalities: the claimed preamble for claims 28-46 should read --The modular structure--and in order comply with the U.S. practice, the applicant is advised to replace a phrase "characterised in that" for --wherein--for all claims 27-46; and also the applicant is advised not to use a pronoun phrase "their" the claims. Appropriate correction is required.

Claim 33 is objected to because there is no ending period in the claim. Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 27 recites the limitation "the coupled elements" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 27 recites the limitation "the interior compartment" does not have antecedent basis.

Claim recites the limitation "the respective seats provided in the inner wall of the modular structure defining the interior compartment of this latter" is not understood.

Claims 35-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claims 45-46 are recited the limitations "characterised by being a dwelling unit" and "characterised by being a conduit for fluids, articles in movement or persons", respectively are confusing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claims 27-46 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 3,981,409 to Flanders.

Claim 27:

Flanders discloses in Figs. 4 and 7, a modular structure for containing articles, fluids or persons, said structure comprising a plurality of elements (12, 14) of plastic or composite material, coupled together along their end edges, mechanical fixing means (29) and fluid seal means (26) being provided along those edges (16), the coupled elements (12, 14) comprising at least one element having a curved surface of single curvature (see Figs. 1-8), the fluid seal means (26) being positioned on the inside of the

modular structure in receiving seats provided within an inner wall of said structure, wherein the fluid seal means (26) are deformable bodies positioned within the respective seats provided in the inner wall of the modular structure defining the interior compartment of this latter.

Claim 28:

Wherein the receiving seats for the fluid seal means (26) are defined in correspondence with the fixing regions between the coupled elements.

Claim 29:

Wherein the fluid seal means (26) positioned between two coupled elements (12, 14) are associated with fixing means positioned in the regions in which several coupled elements converge.

Claim 30:

Wherein the fixing means are cross-shaped bodies with arms (22, 24) at least partly hollow to receive ends of the fluid seal means.

Claim 31:

Wherein said arms (22, 24) have a flat side (Fig. 7).

Claim 32:

Wherein the hollow arms (38) communicate with a hole (42) into which a sealing and securing element can be inserted and which by penetrating into the cavities (wherein the seal 26 aligned) of said arms (22, 24) secures the ends of the seal means for the arms (22, 24).

Claim 33:

Wherein the receiving seats (40) for the fluid seal means (43).

Claim 34:

Comprising a plurality of elements (12, 14) having a curved surface of single curvature.

Claim 35:

Wherein those elements (12, 14) having a curved surface are coupled together in succession in correspondence with their end free edges, said structure being open.

Claim 36:

Wherein those elements (12, 14) having a curved surface are coupled together in such a manner as to define a tubular structure.

Claim 37:

Wherein the elements to be coupled together comprise flat elements and elements comprising two connected-together adjacent curved surfaces with different centers of curvature, said elements with two curved surfaces defining corner elements of the modular structure.

Claim 38:

Wherein at least one of the flat elements presents an aperture able to be intercepted by a closure element.

Claim 39:

Wherein each coupled element (12, 14) is covered by a panel (40) positioned on the outside of the modular structure, said outer panel having a shape identical to that of the corresponding coupled element.

Claim 40:

Wherein insulation elements (16) are present between the coupled elements (12, 14) and the corresponding outer panels (40).

Claim 41:

Wherein the coupled elements (12, 14) comprise flanges (34, 36) projecting from their end free edges, the flanges of two of these adjacent elements being coupled to each other and being fixed together by the mechanical fixing means (29).

Claim 42:

Wherein the flanges (34, 36) are external to the interior compartment of the modular structure.

Claim 43:

Wherein each flange comprises distributed recesses (38).

Claim 44:

Wherein the fixing means are U-pieces (28) positioned along the projecting flanges (34, 36) of the coupled elements (12, 14), said U-pieces being fixed by mechanical fixing members (29) passing through holes provided in said flanges (34, 36) and said U- pieces (28).

Claim 45:

Wherein by being a dwelling unit.

Claim 46:

Wherein by being a conduit for fluids, articles in movement or persons.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

/C. Q. N./
Examiner, Art Unit 3635

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635